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97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 97-704

COMPLETED

SUPREME COURT POLICE

AUG. 10, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SAM B. HALL, Jr., from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 6204]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 6204) to amend title 28 of the United States Code and related statutes with respect to the appointment and jurisdiction of the Supreme Court Police, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) the first section of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States", approved August 18, 1949 (40 U.S.C. 13f), is amended—

(1) by striking out "special policemen" and inserting in lieu thereof "members of the Supreme Court Police"; and

(2) by striking out ", for duty" and all that follows through "adjacent streets".

(b) Subsection (b) of section 7 of such Act (40 U.S.C. 13l(b)) is amended by striking out "promulgated under" and all that follows through the end of the subsection and inserting in lieu thereof "prescribed under this section shall be posted in a public place at the Supreme Court Building and shall be made reasonably available to the public in writing.".

(c)(1) Section 9 of such Act (40 U.S.C. 13n) is amended by striking out "SEC. 9. The special" and all that follows through ": *Provided*, That the Metropolitan Police force of the District of Columbia" and inserting in lieu thereof the following:

"SEC. 9. (a) The Marshal of the Supreme Court and the Supreme Court Police shall have authority, in accordance with regulations prescribed by the Marshal and approved by the Chief Justice of the United States—

"(1) to police the Supreme Court Building and grounds, and adjacent streets for the purpose of protecting persons and property;

"(2) in any part of the United States, to protect—

"(A) the person of the Chief Justice of the United States, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

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"(B) the person of any officer or employee of the Supreme Court while such officer or employee is engaged in the performance of official duties;

"(3) in the performance of duties necessary for carrying out paragraph (1) of this subsection, to make arrests for any violation of a law of the United States or any State and any regulation under such law;

"(4) in the performance of duties necessary for carrying out paragraph (2) of this subsection, to make arrests for any violation of a law of the United States and any regulation under such law; and

"(5) to carry firearms as may be required for the performance of duties under this Act.

"(b) The Metropolitan police force of the District of Columbia".

(2) Section 9 of such Act (40 U.S.C. 13n), as amended by paragraph (1) of this subsection, is further amended by adding at the end the following new subsections:

"(c) Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice of the United States or an Associate Justice of the Supreme Court, if such duties require the carrying of firearms under subsection (a)(5) of this section.

"(d) As used in this Act, the term—

"(1) 'official guest of the Supreme Court' means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

"(2) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(3) 'United States', when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(d) Section 11 of such Act (40 U.S.C. 13p) is amended by adding at the end the following new sentence: "In addition to the property referred to in the preceding sentence, for the purposes of this Act, the Supreme Court grounds are comprised of any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the United States in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.".

SEC. 2. Section 672(c) of title 28, United States Code, is amended—

(1) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(2) by adding at the end the following new paragraph:

"(8) Oversee the Supreme Court Police.".

SEC. 3. Section 3 of the Act entitled "An Act to provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building", approved December 15, 1980 (40 U.S.C. 13p note), is amended by striking out "Act of May 7, 1934 (40 U.S.C. 13a through 13p), as amended" and inserting in lieu thereof "Act entitled 'An Act to provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof', approved May 7, 1934 (40 U.S.C. 13a–13c), and section 6 of the joint resolution entitled 'Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes', approved October 22, 1940 (40 U.S.C. 13e)".

Amend the title so as to read:

A bill to provide for appointment and authority of the Supreme Court Police, and for other purposes.

PURPOSE

The purpose of this bill is to amend the law to provide for appointment and authority of the Supreme Court Police and for other purposes in accordance with the request of the Chief Justice.

STATEMENT

The Supreme Court Police force was organized in 1935 when the Court moved from the Capitol into the building it occupies today. From 1935 until 1948, the Supreme Court Police acted under the provisions of the Act of March 4, 1909, 35 Stat. 1057 which authorized the appointment of special policemen. That Act provides as follows:

> That the Commissioners of the District of Columbia, on application of any corporation or individual, or in their own discretion, may appoint special policemen for duty in connection with the property of, or under the charge of, such corporation or individual; said special policemen to be paid wholly by the corporation or person on whose account their appointments are made, and to be subject to such general regulations as the said Commissioners may prescribe.

In the Act of August 18, 1949, 63 Stat. 617, Congress recognized the Supreme Court Police and provided specific authority for the force, *see* 40 U.S.C. 13f and 13n (1976 ed.).

The controlling provisions of current law do not explicitly authorize members of the Supreme Court Police force to protect Supreme Court personnel or guests of the Justices off the Court grounds, to carry firearms off the Court grounds or to make arrests off the Court grounds. However, currently Supreme Court Police are required to protect Supreme Court personnel off the Court premises.

On April 21, 1982, the Chief Justice transmitted to the Speaker of the House of Representatives a draft bill to clarify the status and juridiction of the Supreme Court Police. A copy of the letter of transmittal, as well as the memorandum accompanying the letter are reprinted in the appendix. The purpose of the proposed bill according to the Chief Justice is to "clarif(y) the authority of the Supreme Court Police to carry firearms and to protect Justices and dignitaries while on or off the Supreme Court premises."

Representatives of the Supreme Court pointed out in testimony before the Subcommittee on Administrative Law and Governmental Relations that certain practical difficulties arise as a result of the limited explicit authority for the Supreme Court Police under current law. For example, under current law members of the Supreme Court Police are authorized explicitly to make arrests on the Supreme Court grounds. However, they are not authorized to carry firearms when taking an arrestee for processing. While a member of the Supreme Court Police could make an arrest for an assault which occurs on the Court grounds, there is no explicit authority for making an arrest for an assault occurring in such member's presence on adjacent streets. Finally, there is no explicit authority for members of the Supreme Court Police to carry firearms in the course of escorting Justices to the airport or escorting employees of the court from the building to the Supreme Court parking lot less than one block away. Representatives of the Court testified further that the inadequacies of the current authority cause morale problems among the members of the Supreme Court Police. Moreover, Court officials indicated that Court personnel have become increasingly concerned about their personal safety since one Court employee was murdered and another robbed within walking distance of the Court grounds during the last year.

Because the authority of the Supreme Court Police to carry firearms and make arrests off the Court grounds is at best unclear, approximately fifty of the seventy members are sworn as Special Deputy United States Marshals pursuant to an informal agreement between the Court and the United States Marshal's office. In that capacity, they are clearly authorized to carry firearms and make arrests off the Court grounds.

The Committee is concerned that the members of the Supreme Court Police be explicitly authorized to protect the Supreme Court grounds as well as Supreme Court personnel and official guests of the Court. Therefore, Committee developed an amendment in the nature of a substitute in cooperation with representatives of the Supreme Court.

Committee Amendment

As amended by the Committee, the bill amends the provisions codified in title 40 of the United States Code (which currently authorize the Supreme Court Police) in the following respects:

(1) It clarifies the authority of the Supreme Court Police to protect the property of the Supreme Court and persons in the vicinity of the Court property.

(2) It authorizes the Supreme Court Police to protect the Justices, their official guests, and officers or employees of the Court who are engaged in the performance of official duties in any part of the United States.

(3) It clarifies the arrest authority of the Supreme Court Police and limits arrest authority in the performance of protective function away from the Supreme Court grounds to arrests for violations of Federal laws.

(4) It clarifies and makes explicit the authority of the members of the Supreme Court Police to carry firearms as may be required for the performance of duties.

(5) It repeals the requirement that the Marshal of the Supreme Court shall publish regulations deemed necessary for the protection of the Supreme Court Building and grounds in a local newspaper for ten days prior to their effective date, and substitutes a requirement that regulations be posted at the Supreme Court Building and be made reasonably available to the public in writing.

(6) It more specifically defines the protective functions of the Supreme Court Police and more carefully relates the arrest authority and the authority to carry firearms to those functions.

(7) It requires that the Justices identify their official guests and provide written authorization for the Supreme Court Police to carry firearms while protecting such official guests outside of Virginia, Maryland and the District of Columbia.

Committee Vote

(Rule XI, clause 2(l)(2)(B))

On July 20, 1982, a quorum being present, the Committee on the Judiciary approved the bill, H.R. 6204, by voice vote.

Oversight Statement

(Rule XI, clause 2(l)(3)(A))

The Subcommittee on Administrative Law and Governmental Relations of this Committee exercises the Committee's oversight responsibility with reference to the appointment and jurisdiction of the Supreme Court Police in accordance with Rule VI(b) of the Rules of the Committee. The favorable consideration of this bill was recommended by that Subcommittee and the Committee has determined that the legislation should be enacted as set forth in this bill.

Budget Statement

(Rule XI, clause 2(l)(3)(B))

The bill does not directly provide budget authority nor does it involve new or increased tax expenditures contemplated by clause 2(l)(3)(B) of Rule XI.

Oversight Findings and Recommendations of the Committee on Government Operations

(Rule XI, clause 2(l)(3)(D))

No findings or recommendations of the Committee on Government Operations were received as referred to in clause 2(l)(3)(D) of Rule XI.

Inflationary Impact

(Rule XI, clause 2(l)(4))

In compliance with clause (2)(l)(4) of Rule XI, it is stated that this legislation will have no inflationary impact on prices and costs on the operation of the national economy.

Cost

(Rule XIII, clause 7(a)(1))

The costs are those outlined in the cost estimate of the Congressional Budget Office included in this report.

Cost Estimate of the Congressional Budget Office

(Rule XI, clause 2(l)(3)(C))

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 23, 1982.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6204, a bill to provide for appointment and authority of the Supreme Court Police, and for other purposes, as ordered reported by the House Committee on the Judiciary, July 20, 1982.

The bill clarifies the authority of the Supreme Court Police to protect the property of the Supreme Court and persons in the vicinity of the Court property. It authorizes the Marshal of the Supreme Court and the Supreme Court Police to protect the Justices, official guests, court officers, and employees, and clarifies their authority to make arrests and carry firearms. It is expected that no significant additional cost to the government would be incurred as a result of enactment of this legislation.

On July 2, 1982, the Congressional Budget Office prepared a cost estimate for S. 2601, a similar bill introduced and placed on the Senate Calendar, May 27, 1982. CBO estimated that no significant additional cost would be incurred as a result of enactment of S. 2601.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 18, 1949

AN ACT Relating to the policing of the building and grounds of the Supreme Court of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Marshal of the Supreme Court of the United States, under the general supervision and direction of the Chief Justice of the United States, may designate employees of the Supreme Court as [special policemen,] *members of the Supreme Court Police,* without additional compensation [, for duty in connection with the policing of the Supreme Court Building and grounds and adjacent streets].

* * * * * * *

SEC. 7. (a) In addition to the restrictions and requirements specified in sections 2 to 6, inclusive, of this Act, the Marshal of the Supreme Court may prescribe such regulations, approved by the Chief Justice

of the United States, as may be deemed necessary for the adequate protection of the Supreme Court Building and grounds and of persons and property therein, and for the maintenance of suitable order and decorum within the Supreme Court Building and grounds.

(b) All regulations [promulgated under the authority of this section shall be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication] *prescribed under this section shall be posted in a public place at the Supreme Court Building and shall be made reasonably available to the public in writing.*

* * * * * * *

[SEC. 9. The special police provided for in section 1 of this Act shall have the power, within the Supreme Court Building and grounds and adjacent streets, to enforce and make arrests for violations of any provision of sections 2 to 6, inclusive, of this Act, of any regulation prescribed under section 7 of this Act, or of any law of the United States, any law of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia] *SEC. 9. (a) The Marshal of the Supreme Court and the Supreme Court Police shall have authority, in accordance with regulations prescribed by the Marshal and approved by the Chief Justice of the United States—*

(1) to police the Supreme Court Building and grounds, and adjacent streets for the purpose of protecting persons and property;

(2) in any part of the United States, to protect—

(A) the person of the Chief Justice of the United States, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

(B) the person of any officer or employee of the Supreme Court while such officer or employee is engaged in the performance of official duties;

(3) in the performance of duties necessary for carrying out paragraph (1) of this subsection, to make arrests for any violation of a law of the United States or any State and any regulation under such law;

(4) in the performance of duties necessary for carrying out paragraph (2) of this subsection, to make arrests for any violation of a law of the United States and any regulation under such law; and

(5) to carry firearms as may be required for the performance of duties under this Act.

(b) The Metropolitan Police force of the District of Columbia are hereby authorized to make arrests within the Supreme Court Building and grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Marshal of the Supreme Court or his assistants, to enter the Supreme Court Building to make arrests in response to complaints or to serve warrants or to patrol the Supreme Court Building or grounds.

(c) Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice of the United States

or an Associate Justice of the Supreme Court, if such duties require the carrying of firearms under subsection (a)(5) of this section.

(d) As used in this Act, the term—

(1) "official guest of the Supreme Court" means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

(3) "United States", when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

* * * * * * *

SEC. 11. For the purposes of this Act the Supreme Court grounds shall be held to extend to the line of the face of the east curb of First Street Northeast, between Maryland Avenue Northeast and East Capitol Street; to the line of the face of the south curb of Maryland Avenue Northeast, between First Street Northeast and Second Street Northeast; to the line of the face of the west curb of Second Street Northeast, between Maryland Avenue Northeast and East Capitol Street; and to the line of the face of the north curb of East Capitol Street between First Street Northeast and Second Street Northeast. *In addition to the property referred to in the preceding sentence, for the purposes of this Act, the Supreme Court grounds are comprised of any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the United States in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.*

SECTION 672 OF TITLE 28, UNITED STATES CODE

§ 672. Marshal

(a) The Supreme Court may appoint a marshal, who shall be subject to removal by the Court, and may fix his compensation.

(b) The marshal may, with the approval of the Chief Justice of the United States, appoint and fix the compensation of necessary assistants and other employees to attend the Court, and necessary custodial employees.

(c) The marshal shall:

(1) Attend the Court at its sessions;

(2) Serve and execute all process and orders issued by the Court or a member thereof;

(3) Take charge of all property of the United States used by the Court or its members;

(4) Disburse funds appropriated for work upon the Supreme Court building and grounds under the jurisdiction of the Architect of the Capitol upon certified vouchers submitted by the Architect;

(5) Disburse funds appropriated for the purchase of books, pamphlets, periodicals and other publications, and for their repair, binding, and rebinding, upon vouchers certified by the librarian of the Court;

(6) Pay the salaries of the Chief Justice, associate justices, and all officers and employees of the Court and disburse other funds appropriated for disbursement, under the direction of the Chief Justice;

(7) Pay the expenses of printing briefs and travel expenses of attorneys in behalf of persons whose motions to appear in forma pauperis in the Supreme Court have been approved and when counsel have been appointed by the Supreme Court, upon vouchers certified by the clerk of the Court[.]*;*

(8) Oversee the Supreme Court Police.

SECTION 3 OF THE ACT OF DECEMBER 15, 1980

AN ACT To provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.

* * * * * * *

SEC. 3. Upon acquisition of such real property by the Architect of the Capitol, on behalf of the United States, such property shall become a part of the grounds of the United States Supreme Court Building and shall be subject to all of the provisions of the [Act of May 7, 1934 (40 U.S.C. 13a through 13p), as amended] *Act entitled "An Act to provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof", approved May 7, 1934 (40 U.S.C. 13a-13c), and section 6 of the joint resolution entitled "Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes", approved October 22, 1940 (40 U.S.C. 13e).*

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APPENDIX

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., April 21, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I hereby transmit, for the consideration of the Congress, a draft bill to clarify the status and jurisdiction of the police force which serves the Supreme Court of the United States. This draft bill would afford the Supreme Court police force formal statutory recognition in title 28 of the United States Code and would amend other statutes to clarify its jurisdiction and procedures.

The police officers of the Supreme Court have rendered outstanding service in the protection of the Court Building, the Justices, and employees in the years since the Supreme Court moved from quarters in the United States Capitol to the Supreme Court Building in 1935. In 1949 Congress accorded legal recognition to the Supreme Court Police and established their jurisdiction as special police to patrol the Supreme Court Building and grounds much as Capitol Police do for your buildings.

Since then, security problems encountered in protecting public officials and facilities have required the Supreme Court Police to assume a greater role in providing increased physical protection for the Justices and employees of the Court, and for visitors to the Court building, including foreign dignitaries. There has also developed a compelling need to protect Justices when they leave the building on their official duties. The legal status of the Supreme Court Police should be clarified to reflect these present realities.

A memorandum is enclosed which explains the proposed draft bill. I hope this memorandum will be helpful in setting forth the need and purpose for the bill.

The enactment of the proposed draft bill would be of great assistance in ensuring the continued efficient administration of the Supreme Court by according to the Court's police force the legal status and recognition which is merited by the nature of its present duties. I would therefore be grateful for whatever consideration Congress might give this matter. The staff of the Supreme Court will, of course, provide whatever assistance the Congress may request in reviewing this proposal.

Respectfully and with warm personal regards,

WARREN E. BURGER.

Supporting Memorandum for Proposed Bill To Clarify the Status and Jurisdiction of the Supreme Court Police Force

PURPOSE

The purpose of the proposed legislation is to clarify the status and jurisdiction of the police force which serves the Supreme Court of the United States. The proposed bill affords the Supreme Court police formal statutory recognition in title 28 of the United States Code and amends other statutes to clarify jurisdiction and procedures. The proposed bill clarifies the authority of Supreme Court police to carry firearms, and to protect Justices and dignitaries while on or off the Supreme Court premises.

BACKGROUND

In 1800, the Federal Government moved to Washington, D.C., a new city and permanent Capitol. Since no provisions were made for a Judiciary building, the Court was loaned space by Congress in the new Capitol building. At this time, the United States Capitol Police provided security for the Court. After numerous relocations in the Capitol throughout the years, President William H. Taft persuaded Congress to authorize construction of a permanent "home" for the Court. Under the leadership of Chief Justice Hughes, construction proceeded from 1932 to 1935 when the Court was finally able to occupy its own building directly across the street from the United States Capitol.

At this time, the United States Capitol Police detailed a small contingent of officers from the Capitol to provide security for the building and grounds and for the Justices and Court employees. These officers formed a nucleus for the security force at the new Supreme Court. Upon their appointment the officers were commissioned as special policemen for the Supreme Court Building and Ground by authority of the Commissioners of the District of Columbia under 30 Stat. 1057. Acting under this authority granted them by the Commissioners, they enforced the law without their authority being questioned from 1935 until September, 1948.

Realizing at that time the statute was ambiguous in respect to appointment of special policemen, the Corporation Counsel of the District of Columbia issued an order that all special police commissions were to expire December 31, 1948. By the request of the Chief Justice, the expiration date was extended in order for legislation to be drafted providing for "policing of the building and grounds of the Supreme Court of the United States." Under the direction of Chief Justice Fred Vinson, the Marshal of the Court, Thomas E. Waggerman, worked with the leadership of both houses of Congress and with Mr. Perley, Legislative Counsel to the House of Representatives, to formulate legislation and put it into effect. The resulting bill (1949) was patterned after S. 2405—Public Law 570 of the 79th Congress (2d Session)—the intention being "to place [the Supreme Court] police force, within its jurisdictional limitation, on practically the same 'power and authorty' basis under which the United States Capitol Police operates."

NEED FOR UPDATED LEGISLATION

Since 1949, when Congress gave legal recognition to the Supreme Court Police and established their jurisdiction as special police to patrol the Supreme Court building and grounds, terrorist activities, assassination attempts, and street crime have substantially increased security problems. The jurisdiction of both the U.S. Capitol Police and the U.S. Secret Service have been changed from time-to-time to meet these increased security problems, but the authority of the Supreme Court police has not been changed to reflect present day realities.

For example, under current law, the Supreme Court police do not have clear statutory authority to carry or use a firearm off the premises of the Supreme Court. Thus, if a Supreme Court officer were to witness a violent crime being committed against a person on the opposite side of the street of the Supreme Court grounds, the officer would not have express statutory authority to use a weapon to stop the commission of the crime. Nor would an officer, regardless of the severity of the danger presented, have clear statutory authority to use a weapon while pursuing a criminal fleeing the scene of a crime. This is in direct conflict with the generally held belief that an officer would have a duty to use all legal and necessary means to protect life or to apprehend a fleeing criminal.

Arrangements have been made to assure that Supreme Court police are in full compliance with the law when it is necessary for them to carry firearms off the premises, by having many of them deputized as Special Deputy United States Marshals. This arrangement, however, is not permanent or satisfactory, either for the United States Marshal's Service or for the Supreme Court.

An example of problems created by the current status of Supreme Court police is illustrated by the fact that the Supreme Court parking lot for employees is approximately one-half block east of the Supreme Court promises. Supreme Court police officers have an obligation to protect employees going to and from the parking lot, particularly late at night. They are authorized under current regulations to carry a firearm on the parking lot, since it is part of the Supreme Court premises. Officers who are not deputized as Special United States Marshals, however, do not have clear statutory authority to carry a firearm as they walk the one-half block to and from the parking lot. The fact that a Supreme Court employee was shot to death last year within a few blocks of the Supreme Court premises evidences the need for this type of protection.

Current law also does not provide clear statutory authorization for a Supreme Court police to carry a firearm for protection when he or she accompanies a Justice off the premises for official duties. Security organizations serving the White House and U.S. Capitol, however, have already been given this type of authority, as illustrated by the comparison chart attached as Appendix A.

The responsibilities of Supreme Court police are very similar to those of the U.S. Secret Service and U.S. Capitol police. The duties include, but are not limited to: maintaining security of the agency's

physical plant; making arrests for criminal violations occurring within the statutorily defined jurisdiction; providing transportation and protection for government officials, their guests, visiting dignitares, agency employees, and their guests, both within and without the boundaries of the District of Columbia; and providing security at the residences of government officials when deemed necessary. In order to maintain adequate security, consistent with their responsibilities, Supreme Court police should be granted clearer statutory authority which sufficiently provides for routine duties, and which is flexible enough in scope to allow for exigent circumstances.

The lack of adequate statutory authority governing Supreme Court police has resulted in procedural and jurisdictional problems which have diminished their ability to provide effective security and to perform their duties. The proposed bill would correct these deficiencies.

SECTION-BY-SECTION ANALYSIS

The first and second sections of the enclosed draft bill amend section 672 of title 28, United States Code, to place authority expressly in the Marshal of the Supreme Court to appoint, with the approval of the Chief Justice, employees to serve as police officers for the Supreme Court and responsibility to oversee such officers in the performance of their duties. In this respect, the bill merely clarifies an existing statutorily authorized function of the Marshal.

Section 672(c)(8) of title 28, as added by section 2 of the enclosed draft bill, would formalize the status of the Supreme Court Police as law enforcement officers. It would expressly define their duties to include the policing of the Supreme Court Building, its grounds, and adjacent streets, as well as the protection of the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the other officers, employees, and official guests of the Court. Consistent with these law enforcement duties, this section would expressly authorize the Supreme Court Police to bear arms and make arrests in the performance of such duties.

Subsection (c)(9) of title 28, as added by section 2 of the draft bill, would add to the enumeration of the Marshal's responsibilities in section 672 that of prescribing regulations, with the approval of the Chief Justice, for the protection of the Supreme Court Building and grounds and the conduct of the public therein. The Marshal is already empowered to make such regulations under section 7 of the Act of August 18, 1949, chapter 479, 63 Stat. 617 (40 U.S.C. 13(1)). This amendment would more logically place the regulatory authority in the enumeration of the Marshal's functions under 28 U.S.C. 672. It would also alter the method by which public notice of such regulations shall be given, i.e., by public posting rather than newspaper publication.

Sections 3 through 5 of the draft bill would amend the Act of August 18, 1949 in a manner consistent with the foregoing amendments to title 28. The amendments to the 1949 Act would, inter alia,

eliminate any designation of the Supreme Court Police as "special police" and would apply to them the designation of "law enforcement officer," with duties as set forth in 28 U.S.C. 672 (c) (8). Section 8 of the 1949 Act (40 U.S.C. 13n), as amended, would specifically authorize the Supreme Court Police to bear arms and to make arrests in the course of enforcing any law, including sections 2 through 6 of the 1949 Act with respect to the Supreme Court Building, grounds, personnel and guests, and the regulations prescribed by the Marshal of the Supreme Court pursuant to amended 28 U.S.C. 672 (c) (9).

Finally, section 6 of the proposed bill merely preserves the provision in existing law which accords to the Metropolitan Police of the District of Columbia concurrent jurisdiction with the Supreme Court Police to patrol the Supreme Court Building and grounds when requested to do so, but conditions the right of entry of the Metropolitan Police upon the request or consent of the Marshal of the Supreme Court or his assistants.

CONCLUSIONS

The need to clarify the authority and jurisdiction of the Supreme Court police in light of today's realities is long overdue. The enactment of the proposed bill accords the Supreme Court's police force the legal status and recognition which is merited by its present duties. Its enactment is necessary to ensure the continued efficient administration of the Supreme Court.

APPENDIX A

U.S. Secret Service/U.D.[1]	U.S. Capitol Police	U.S. Supreme Court Police
Boundaries of jurisdiction:		
"duties . . . as the Director, United States Secret Service may prescribe in connection with [designated areas, e.g., White House, foreign diplomatic missions, etc.]"	". . . each of the several States of the United States, the District of Columbia, and territories and possessions of the United States . . ."	". . . within the Supreme Court Building and grounds and adjacent streets . . ."
(Title 3, U.S.C.A., § 202.)	(Title 40, U.S.C.A., § 193A(f).) (Enacted Dec. 29, 1981.)	(Title 40, U.S.C.A., § 13n.)
Arrest authority:		
". . . are authorized to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony . . ."		". . . shall have the power . . . to enforce and make arrests for violations of any provisions of this title, of any law of the United States or of any State . . ."
(Title 18 U.S.C.A., § 3056.)	(Title 40, U.S.C.A., § 193A(c).) (Enacted Dec. 29, 1981.)	(Title 40, U.S.C.A., § 13n.)
Firearm authority:		
". . . authorized to . . . carry firearms . . ."	". . . authorized . . . to utilize equipment and property of the Capitol Police."	None.
(Title 18, U.S.C.A., § 3056.)	(Title 40, U.S.C.A., / 193A(c).) (Enacted Dec. 29, 1981.)	

[1] Secret Service, and Secret Service Uniformed Division have concurrent responsibilities.